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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,339	03/16/2001	Arnoldus Werner Johannes Oomen	PHN 17,547	8265

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PATEL, GAUTAM

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,339

Applicant(s)

OOMEN ET AL.

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 12-26, 28 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 27 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 are pending for the examination.

RCE STATUS

2. The request filed on 4-21-05 [& 5-25-04] for Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application is acceptable and a RCE has been established. An action on the RCE follows.

Election/Restriction

3. Claims 12-26 and 28-29 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to figs. 28 and 30; for detecting tilt and compensating length and width of the recording mark. Election was made with traverse of claims 1-11 and 27.

Applicant's election with traverse of group A in Paper dated 4-21-05 is acknowledged. The traversal is on the ground(s) that "there are reasonable number of species and a search for the invention of the elected species will be sufficient for examination of all the species and thus, there is no serious burden on the examiner to examine all the claims in the application.

This is not found persuasive because, it not up to the Applicants to decide what is a serious burden to examiner and what is not. As to what a search will find or will not find with respect to species cannot be defined in advance of the search.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Timmermans et al., US. patent 5,724,327 (hereafter Timmermans) in view of Maejima et al., US. patent 6,850,622 (hereafter Maejima).

As to claim 1, Timmermans discloses the invention as claimed [see Figs. 1-8, especially 1-2 and 4], including a record carrier and a first physical parameter and a second parameter comprising:

A record carrier carrying signals and one signal being recorded in a first channel using a first physical feature on said record carrier, said first physical feature on said record carrier and another portion being recorded in a second channel using a second physical feature on said record carrier different from said first physical feature [col. 3, line 39 to col. 4, line 8].

Timmermans discloses all of the above elements, including first and second physical features [parameters]. Timmermans does not specifically disclose type of data signal, [such as stereo signal or multi-channel signal] being recorded or how it is arranged on the record carrier to the extent claimed.

However, recording stereo signal or multi-channel signal on a recording carrier [or how it is arranged] is not patentable as such. Also more importantly Maejima clearly discloses

the separating and combining the stereo signal and data signal [multi-channel surround signal] as need arises [col. 2, lines 37-50 and col. 4, lines 9-54].

Both Timmermans and Maejima are interested in providing the better arrangement of data on a disc for recoding and reading.

One of ordinary skill in the art at the time of invention would have realized that when audio data is recorded in the system of Timmermans, one would be motivated to record data with minimum circuits and with maximum quality of sound by simply putting different data in different channels and combining the as needed.

Therefore, it would have been obvious to have provided a sound field correction circuit in the system of Timmermans as taught by Maejima because one would be motivated to record and reproduce a stereo signal a data signal [multi-channel signal] with minimum decoding circuit, thus reducing the size and cost of the entire system [col. 2, lines 55-65; Maejima].

5. As to claim 2, Timmermans & Maejima discloses all of the above elements, including combining first portion with stereo signal. the combination does not specifically disclose that combination first portion and stereo signal is done by using buries data techniques.

However Moskowitz clearly discloses that it is known in the art to use buried data techniques for combining different audio signals [col. 8, line 65 to col. 9, line 30].

All Timmermans, Maejima and Moskowitz show techniques for manipulating data in most efficient way.

One of ordinary skill in the art at the time of invention would have realized that the insertion of data into known channel would increase the size of the channel and it would be advantageous to insert the new data or information into the channel such that it will leave no perceivable artifacts in the content signal.

therefore it would have been obvious to have used the buried data techniques in the system of Timmermans 7 Maejima as taught by Moskowitz because one would be motivated to reduce artifacts in the content signal in the system of Timmermans and Maejima and provide better signal controls, improve addressing capability and save space on the disk [col. 9, lines 10-15; Moskowitz].

6. The aforementioned claim 3, recites the following elements, inter alia, disclosed in Maejima:

the data signal comprises a data compressed multi-channel extension signal being a representation of a multi-channel extension signal [col. 2, lines 37-50 and col. 4, lines 9-54].

7. The aforementioned claim 4, recites the following elements, inter alia, disclosed in Maejima:

the multi-channel extension signal comprises a center channel signal [col. 2, lines 37-50 and col. 4, lines 9-54].

8. The aforementioned claim 5, recites the following elements, inter alia, disclosed in Maejima:

the multi-channel extension signal comprises a surround left signal and a surround right signal. [col. 2, lines 37-50 and col. 4, lines 9-54].

9. The aforementioned claim 6, recites the following elements, inter alia, disclosed in Maejima:

the data compressed multi-channel extension signal is a perceptually encoded representation of the multi-channel extension signal. [col. 2, lines 37-50 and col. 4, lines 9-54].

10. The aforementioned claim 7, recites the following elements, inter alia, disclosed in Maejima:

first portion represents a partial representation of the multichnnel extension signal. [col. 2, lines 37-50 and col. 4, lines 9-54].

11. The aforementioned claim 8, recites the following elements, inter alia, disclosed in Timmermans:

said first physical feature is represented by first variations of a first physical parameter of the record carrier and said second physical feature is represented by second variations of a second physical parameter of the record

carrier, said second physical parameter differing from said first physical parameter [col. 3, line 39 to col. 4, line 8].

12. The aforementioned claim 27, recites the following elements, inter alia, disclosed in Timmermans:

said first physical feature further comprises a first optically detectable indicia within the record carrier and said second physical feature further comprises a second optically detectable indicia different from said first optically detectable indicia [col. 3, line 39 to col. 4, line 8].

13. Applicant's arguments with respect to above claims have been considered but are moot in view of the new grounds of rejection.

Allowable Subject Matter

14. Claims 9-11 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims:

NOTE: Claims 9-11 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a record carrier carrying a stereo signal and a data signal and has first channel and second channel which includes "composite signal in the first channel and the remaining portion in the second channel being obtained by n to m channel modulation of the composite signal into sequence of m-bit channel words, insertion of p merging bits between said m-bit channel words, and said merging bits being

modified in response to said remaining portion; also that this composite signal is obtained by processing the composite signal into sequence of q byte blocks, insertion of a r byte sub-code between said q byte blocks, at least one bit of said r byte sub-code being obtained in response to said remaining portion". It is noted that the closest prior art, Timmermans shows a similar apparatus which has two separate channels and Maejima discloses stereo and multi-channel signals. However combination fails to disclose details of merging bits as disclosed above.

Other prior art cited

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Moriya et al. (US. Patent 6,345,246) "Apparatus and method for coding".
- b. Klayman et al. (US. patent 5,912,976) "Multi-channel audio ...".

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young can be reached on (571) 272-7582.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.

Gautam R. Patel
Primary Examiner
Group Art Unit 2655

A handwritten signature in black ink, appearing to read "Gautam R. Patel", with a horizontal line drawn through the middle of the signature.

**GAUTAM R. PATEL
PRIMARY EXAMINER**

June 24, 2005